IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR
: PRESENT:
THE HON'BLE MR. JUSTICE : BILAL NAZKI.
AND
THE HON`BLE MR. JUSTICE : CH.S.R.K. PRASAD

CRIMINAL APPEAL No. 798 OF 2000

(Criminal Appeal under Section 374 (2), of Cr.P.C. preferred against the judgment dated: 04-01-1999 passed in S.C. No. 387 OF 1996 by the Court of the Principal Sessions Judge, Rangareddy at Kothapet, Hyderabad.)

Between:

Palli Ananthaiah @ Ananthappa, S/o. Narsaiah,
R/o. Belkatur Village of Tandur Mandal.

Appellant / Accused

AND

The State of A.P., rep. by the Public Prosecutor,
High Court of A.P., Hyderabad.

Respondent

The Criminal Appeal coming on for hearing, upon perusing the petition and Memo of Grounds filed herein and upon hearing the arguments of Mr. Syed Ghouse Basha, Advocate for the Appellant and the Public Prosecutor, for the Respondent,

Whereas the court observed that the Investigating Officer, P.W.10 who is one of the important witness in this case stated in his statement, that on 27-11-1995 at about 5.00 a.m., Head Constable received information from Hospital that Chandrakala succumbed to burn injuries. By what mode this information was received was not stated by the witness. There is nothing on record to show as to on what basis the charge was altered from Section 307 IPC to 302 IPC except stating in the memo of alteration of charge that information was received on telephone from Sarpanch of Alipur village. The Investigating Officer further stated that he received the information from the Hospital that Chandrakala succumbed to burn injuries. The case is not at all related to any burn injuries. In this view of the matter the court thinks that the prosecution should be asked to produce the evidence relating to the information they received about the death of the deceased from the Hospital. P.W.10 – Sub-Inspector of Police has also not been cross-examined. It is stated that the accused was being represented by the counsel engaged by the Legal Services Authority, who did not appear on two occasions. Therefore, the accused got prejudiced, as he has not at all cross-examined the witness. For these reasons, while exercising the powers under Section 319 of Cr.P.C., this court directed Mr. M. Sridhar Reddy, S/o. M. Pulla Reddy, who was P.W.10 in the present case be produced as a witness before this Court on 15-12-2004 at 10.30 a.m.

Therefore you namely:

The Commissioner of Police, Cyberabad, R.R. District

are hereby directed to produce Mr. M. Sridhar Reddy, S/o. M. Pulla Reddy, Investigating Officer, before this Court on 15-12-2004 at 10.30 a.m. who is P.W. 10 in the present case as a witness and the case is directed to be listed on 15-12-2004.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Commissioner of Police, Cyberabad, R.R. District
   (BY SPECIAL MESSENGER ALONG WITH A COPY OF MEMO OF GROUNDS AND OTHER MATERIAL PAPERS)

Copies to:

2. The Principal Sessions Judge, Ranga Reddy at Kothapet, Hyderabad.
3. The Judicial I Class Magistrate, Vikarabad, R.R. District
4. Mr. M. Sridhar Reddy, S/o. M. Pulla Reddy, Investigating Officer, Dharur Police Station, R.R. District
5. The Station House Officer, Dharur Police Station, R.R. District
6. The Member Secretary, A.P. State Legal Services Committee, High Court Buildings, Hyderabad.
7. Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad. (OUT)
8. Two spare copies.

USR

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HIGH COURT

BNJ
&
CHSRKPJ

DATE: 24-11-2004

NOTE: List on 15-12-2004

ORDER

CRL.A. No. 798 OF 2000

DIRECTION

HIGH COURT

Drafted By : USR
Date of drafting: 01-12-2004

BNJ
&
CHSRKPJ

DATE: 24-11-2004

Note : List on 15-12-2004

ORDER

CRL.A. No. 798 OF 2000